

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Lillie Williams,

Plaintiff,

v.

17-cv-223-LJV-MJR
DECISION & ORDER

Buffalo Psychiatric Center,

Defendant.

On March 13, 2017, the plaintiff, Lillie Williams, commenced this action under Title VII of the Civil Rights Act of 1964. Docket Item 1. On November 6, 2019, the defendant, the Buffalo Psychiatric Center, moved to dismiss. Docket Item 4. The next day, this Court referred this case to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 5. On February 13, 2020, Williams moved for appointment of counsel. Docket Item 7.

On September 30, 2020, Judge Roemer issued a Report, Recommendation, and Order (“RR&O”) finding that the Buffalo Psychiatric Center’s motion to dismiss should be granted and denying Williams’s motion to appoint counsel as moot. Docket Item 12. The parties did not object to the RR&O, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The court must review *de novo* those portions of a magistrate judge’s recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636

nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Roemer's RR&O as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Roemer's recommendation to grant the Buffalo Psychiatric Center's motion to dismiss.

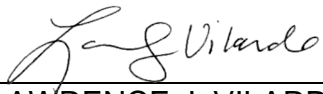
For the reasons stated above and in the RR&O, the Buffalo Psychiatric Center's motion to dismiss, Docket Item 4, is GRANTED; the complaint, Docket Item 1, is dismissed; and the Clerk of the Court shall close the file.

The Court hereby certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore denies leave to appeal as a poor person. *Coppedge v. United States*, 369 U.S. 438 (1962). Williams must file any notice of appeal with the Clerk's Office, United States District Court, Western District of New York, within 30 days of the date of judgment in this action. Requests to proceed on appeal as a poor person must be filed with the United States Court of Appeals for the

Second Circuit in accordance with the requirements of Rule 24 of the Federal Rules of Appellate Procedure.

SO ORDERED.

Dated: October 30, 2020
 Buffalo, New York



LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE